– REMARKS –

Claims 8, 9, 19 and 20 were rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The §112 rejection of claims 8, 9, 19, and 20 is traversed. Claims 8 and 19 have been amended to correct a typographical error such that claims 8 and 19 have proper antecedent basis, obviating the Examiner's rejections. Therefore, claims 9 and 20 do not inherit any antecedent basis deficiency. Withdrawal of the rejections to claims 8, 9, 19, and 20 is requested.

Claims 1-7, 10-18, 21 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Hellaker (US 2002/0197988).

The Applicants have considered the Examiner's remarks concerning the patentability of claims 1-7, 10-18, 21 and 22 over Hellaker. The Applicants have also read Hellaker. To warrant this §102(b) anticipation rejection, Hellaker must show each and every limitation of independent claims 1, 12 and 22 in as complete detail as is contained in claims 1, 12 and 22. See, MPEP §2131. The Applicants respectfully traverse this anticipation rejection of claims 1-7, 10-18, 21 and 22.

Hellaker does not disclose "initiating a restricted use mode based on the received restricted use command" as claimed in claims 1, 12 and 22. Rather, Hellaker discloses only a sleep mode entered by default, or after a timer elapses. The Examiner's citation to Hellaker ¶ 40 is misplaced. At most, that selection discloses:

> "The sleep mode S **ends** when a wake up timer has elapsed in step 41. The wake up period is preferably programmable by the customer service center 10. The object enters standby mode W in step 42. It is powered up and initialized. The phone module 202 is activated and the service subscription is selected. The object **waits for an incoming data message** using cellular communication 30 in step 43 during a defined first period. If no message has been received after this first period according to step 43, satellite communication module 203 is activated in step 44. The object **waits for an incoming message** using satellite communication 31 in step 44 during a defined second period. Preferably, the first and second periods are programmable with respect to time and duration by the customer service center, so that these periods are synchronized with corresponding active periods in the customer service center 10 allowing a connection to be reliably established. **If no message has been received after this second period according to step 45, the object returns to sleep mode S** via point A where power consumption is minimal."
> [Emphases added]
> See also, Hellaker, Fig. 4.

In addition, Hellaker does not disclose "modulating a transmission rate of at least one registration request based on the restricted use mode" as claimed in claims 1, 12 and 22. Hellaker only discloses waiting for incoming data. See, Hellaker, ¶40 (above).

Therefore, claims 1, 12 and 22 cannot be anticipated by Hellaker, and are allowable over the prior art. Withdrawal of the rejection to claims 1, 12 and 22 is requested. Claims 2-7, 10-11, 13-18 and 21 depend directly or indirectly from independent claims 1, 12 or 22. Therefore dependent claims 2-7, 10-11, 13-18 and 21 contain each and every limitation of independent claims 1, 12, and 22 and are therefore allowable over Hellaker for at least the reasons described above.

Additionally, Hellaker does not disclose a "contact increment" or "transmission rate" as claimed in dependent claims 2-5, 7, 13-16, and 18. At most, Hellaker discloses "the first and second periods are programmable with respect to time and duration by the customer service center." See, Hellaker, ¶40. Applicants request withdrawal of the rejections to claims 2-5, 7, 13-16, and18.

Additionally, Hellaker does not disclose receiving a command where the restricted use mode includes instructing the telematics unit to operate in a low-power configuration, as claimed in dependent claims 6 and 17. At most, Hellaker discloses a determination where if "no message has been received after this second period according to step 45, the object returns to sleep mode S via point A where power consumption is minimal." See, Hellaker, ¶40. Applicants request withdrawal of the rejections to claims 6 and 17.

Applicants request withdrawal of the rejections to claims 1-7, 10-18, 21 and 22.

Claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Kapolka et al. (US 2004/0138790).

The Applicants have considered the Examiner's remarks concerning the patentability of claims 1-22 over Kapolka. The Applicants have also read Kapolka. In order for this §102(e) anticipation rejection to be valid, each and every limitation of the instant application must be disclosed by Kapolka. The Applicants respectfully traverse this anticipation rejection of claims 1-22.

August 23, 2005
Case No.: GP-304333 (2760/156)
Serial No.: 10/767,238
Filed: January 28, 2004
Page 11 of 15

Kapolka does not disclose "receiving a restricted use command from a service provider" as claimed in claims 1, 12 and 22, disclosing only requests for data and parameters in the referenced process. The Examiner's citation to Kapolka ¶65 is misplaced. At most, Kapolka ¶65 discloses:

> "The "Parameters" service may include a simple parameter retrieval service as well as more sophisticated **parameter retrieval services** that address limitations in obtaining vehicle data when, for example, the vehicle is turned off. FIG. 4 illustrates one simple process 400 for obtaining a parameter. When the OBU 105 **receives a command from the server 202 to retrieve a data value** at block 402, the OBU 105 sends a query message to the ECU 308 to obtain the ECU's current reading at block 404. Once the ECU 308 returns a parameter value at block 406, the OBU 105 retrieves the value and forwards it to the server at block 408..." [Emphasis added]

Additionally, Kapolka does not disclose "initiating a restricted use mode based on the received restricted use command" as claimed in claims 1, 12 and 22, disclosing only a scenario where the OBU operates while the vehicle is turned off, but no change in mode based on a received command from a service center. At most, Kapolka discloses:

> "The OBU 105 is initialized by **receiving an instruction to periodically collect specified parameter data at a selected query time interval** (block 602). After receiving this command, the OBU 105 will periodically collect data at the specified query time intervals (block 604). The values gathered by the OBU 105 are stored in the on-board unit's memory, such as a flash memory, at block 606 before the OBU 105 is shut down when the vehicle 104 is turned off." See Kapolka ¶71. [Emphasis added]

Kapolka does not disclose "modulating a transmission rate of at least one registration request based on the restricted use mode" as claimed in claims 1, 12 and 22. At most, Kapolka discloses "setting the time intervals at **which parameter values are captured**, selecting the number of captured values to be included in a single report, and selecting **the event that will trigger reporting** of the captured values." See, Kapolka, ¶67. [Emphasis added]

Therefore, claims 1, 12 and 22 cannot be anticipated by Kapolka, and are allowable over the prior art. Withdrawal of the rejection to claims 1, 12 and 22 is requested. Claims 2-11, and 13-21 depend directly or indirectly from independent claims 1, 12 and 22. Therefore dependent claims 2-11, and 13-21 contain each and every limitation of independent claims 1, 12, and 22 and are therefore allowable over Kapolka for at least the reasons described above. Applicants request withdrawal of the rejections to claims 2-11, and 13-21.

Additionally, Kapolka does not disclose modulating a transmission rate as addressed above and claimed in dependent claims 2-5, 7, 13-16 and 18. Applicants request withdrawal of the rejections to claims 2-5, 7, 13-16 and 18.

Additionally, Kapolka does not disclose the restricted use mode instructing the telematics unit to operate in a low-power configuration as claimed in dependent claims 6 and 17. Kapolka discloses a user programmable command that can be received while the unit is in a low power mode (the vehicle is off). However, Kapolka does not disclose a low power configuration dependent on the restricted use mode. At most Kapolka discloses "parameter retrieval services that address limitations in obtaining vehicle data when, for example, the vehicle is turned off" (See, Kapolka, ¶65) and "a situation where the vehicle controllers 308 are unable to respond to a query by the OBU 105 (e.g., while the vehicle is turned off) to respond to a query" (See, Kapolka, ¶70) where if "the vehicle controller 308 is not available at the time of the command (e.g., if the vehicle is turned off), making the current values of the controller 308 unretrievable, the saved values in the OBU 105 are sent back to the server 202 as the retrieved values (block 612)" See, Kapolka, ¶72. Applicants request withdrawal of the rejections to claims 6 and 17.

Additionally, Kapolka does not disclose synchronizing a registration request and an updated contact increment as claimed in dependent claims 8, 9, 19 and 20. At most, Kapolka discloses allowing "a user to remotely insert or update, for example, a parameter or message definition in the vehicle." See, Kapolka, ¶82. Claims 8, 9, 19 and 20 have also been amended to correct a typographical error. Applicants request withdrawal of the rejections to claims 8, 9, 19 and 20.

Applicants request withdrawal of the rejections to claims 1-22.

Claims 1, 10-12, 21 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Kolls (6,615,186).

The Applicants have considered the Examiner's remarks concerning the patentability of claims 1, 10-12, 21 and 22 over Kolls. The Applicants have also read Kolls. In order for this §102(e) anticipation rejection to be valid, each and every limitation of the instant application must be disclosed by Kolls. The Applicants respectfully traverse this anticipation rejection of claims 1, 10-12, 21 and 22.

Kolls does not disclose "receiving a restricted use command from a service provider" as claimed in claims 1, 12 and 22, disclosing only an alarm activation/deactivation command from a user via the Internet with no contact information. At most, Kolls discloses "a user can set the alarm and allow a central station to monitor the vehicle status, including the alarm state by way of an Internet connection or an Internet based server." See Kolls, col. 39, line 58 to line 60.

Kolls does not disclose "initiating a restricted use mode based on the received restricted use command" as claimed in claims 1, 12 and 22, disclosing only a process where a vehicle alarm is energized and de-energized, but no change in operation of the telematics unit based on a received command from a service center or regard for power or low power levels. At most, Kolls discloses "setting and monitoring of a vehicle's security system by way of the Internet." See Kolls, col. 39, line 56 to line 57.

Kolls does not disclose "modulating a transmission rate of at least one registration request based on the restricted use mode" as claimed in claims 1, 12 and 22, disclosing nothing regarding the transmission rate as a function of the restricted use mode. At most,

August 23, 2005
Case No.: GP-304333 (2760/156)
Serial No.: 10/767,238
Filed: January 28, 2004
Page 14 of 15

Kolls discloses "a COM device 100, a specific in-vehicle device 200, an Internet based server, or an Internet appliance can set a flag to have the vehicle continuously report vehicle GPS location data, stop the vehicle engine, reset the alarm, or take other appropriate action." See Kolls, col. 40, line 63 to col. 41, line 1. In addition, Kolls does not disclose any connection between the rate of transmission and a restricted use mode, much less the claimed elements.

Therefore, claims 1, 12 and 22 cannot be anticipated by Kolls, and are allowable over the prior art. Withdrawal of the rejection to claims 1, 12 and 22 is requested. Claims 10, 11 and 21 depend directly or indirectly from independent claims 1, 12 and 22. Therefore dependent claims 10, 11 and 21 contain each and every limitation of independent claims 1, 12, and 22 and are therefore allowable over Kolls for at least the reasons described above.

Applicants request withdrawal of the rejections to claims 1, 10-12, 21 and 22.

New claims 23-27

The prior art does not disclose, teach or suggest each and every claimed element in claims 23-27 and therefore the claims are patentable over the prior art.

August 23, 2005
Case No.: GP-304333 (2760/156)
Serial No.: 10/767,238
Filed: January 28, 2004
Page 15 of 15

CONCLUSION

The Examiner's rejections have been obviated by the above remarks and amendments. Applicants respectfully submit that claims 1-27 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **August 23, 2005**   Respectfully submitted,
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